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Thomas Arend

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

CONTINO, PAUL F

ART UNIT

PAPER NUMBER

2114

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/697,431	Applicant(s) AREND, THOMAS	
	Examiner Paul Contino	Art Unit 2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims [1] and [8] are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims [1] and [9], respectively, of copending Application No. 10/697,434.

Claims [1] and [8] of application ‘434 contain every element of claims [1] and [9], respectively, of the instant application and as such anticipate claims 1 and 8 of the instant application, with the exception of a second main system. The “auxiliary system” of the instant application is interpreted as being equivalent to the “service system” of application ‘434.

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Though claims 1 and 9 of the instant application teach only of a single main system, while claims 1 and 8 of application '431 teach of a first and second system, there is no extra processing occurring on or between the second system and the service system. The Examiner takes Official Notice that it is well-known in the art for more than one computer to be connected in a network environment and to have a single service [auxiliary] system service multiple computers in a network in order to reduce the resources necessary for a fault tolerant environment.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

* * *

3. Claims [2], [20-22], and [29] are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims [1], [7], and [8], respectively, of copending Application No. 10/697,433.

Claims [1], [7], and [8] of application '433 contain every element of claims [2], [20-22], and [29], respectively, of the instant application and as such anticipates claims 2, 20-22, and 29, respectively, of the instant application. The "auxiliary system" of the instant application is interpreted as being equivalent to the "service system" of application '433.

"A later patent claim is not patentably distinct from an earlier patent/application claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within

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that genus). “ ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

* * *

4. Claims [1], [9], [8], and [10] are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims [1], [3], [9], and [10], respectively, of copending Application No. 10/522,526.

Claims [1], [3], [9], and [10] of application ‘526 contain every element of claims [1], [9], [8], and [10], respectively, of the instant application and as such anticipates claims 1 and 8-10, respectively, of the instant application.

“A later patent claim is not patentably distinct from an earlier patent/application claim if the later claim is obvious over, or **anticipated by**, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a patent claim to a species within that genus). “ ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 34 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A computer program product in itself may not be patented. The Examiner recommends the Applicant include “a computer program product *stored in a computer-readable medium*” or similar language in order to overcome the 35 USC 101 rejection.

Claim Objections

6. Claim 20 is objected to because of the following informalities: line 6 includes a “)” at the end of “representations”. Appropriate correction is required.

7. Claim 29 is objected to because of the following informalities: line 3 states “form set” where “from a set” makes more sense. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 18, 19, 32, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites the limitation "the at least one further main system" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claim 19 is rejected based upon its dependency to claim 18.

Claim 19 recites the limitation "systems of the same type" in line 2, where the term "type" is indefinite. The limitation "release versions" is also indefinite as it is unclear what the release versions are attributed to.

Claim 32 recites the limitation "the further computer" in line 2. There is insufficient antecedent basis for this limitation in the claim. In order to apply prior art, the Examiner interprets the "further computer" as the "service system" of claim 30.

Claim 33 recites the limitation "initiation type ... system initiation" in line 8, where the Examiner is unsure as to what is being "initiated".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-5, 8, 10-23, 26, 28, 29, 33, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Bajpai (WO 97/15009).

As in claim 1, Bajpai discloses a computer system (*Fig. 1*) with a main system to execute an application in cooperation with a human user (*Figs. 1 and 2; page 5 lines 3-5, where processor 10 is interpreted as a main system*), the computer system comprising an auxiliary system to evaluate problems in the main system (*Figs. 1 and 5; page 9 line 22 and page 10 lines 17-21, remote processor 12*), the auxiliary system comprising the following modules:

a service module to collect problem related data from the main system (*page 9 lines 28-29, diagnostic element 50*);

an acquisition module to acquire knowledge representations (*Fig. 5 #56; page 5 lines 18-20 and page 10 lines 24-25, where expert system 56 is interpreted as acquiring knowledge representations from problem-solution database 60*);

a knowledge module to store the knowledge representations (*Fig. 5 #56 and 60; page 10 lines 1-2 and 24-27, where the combination of Expert System Engine 56 and Database 60 is interpreted as a knowledge module*); and

an inference module to process problem related data with knowledge representations to identify solutions (*Fig. 5 #56; page 10 lines 24-27, expert system 56*), the inference module forwarding the solutions through the service module to the main system (*page 11 lines 15-16*).

As in claim 2, Bajpai discloses the main system has a client/server configuration with a database, an application server and a front-end server (*Figs. 1, 2, and 5; where Front End 32 is*

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interpreted as a front-end server, Expert System 30 is interpreted as an application server, and the collection of Databases 34,36,38 is interpreted as a database; an alternative interpretation is that User Workstation 10 is interpreted as a front-end server, Remote Diagnostic Workstation 12 is interpreted as an application server, and the collection of Databases 34,36,38 and/or Problem-Solution Database DLL are/is interpreted as [a] database(s)).

As in claim 3, Bajpai discloses the auxiliary system uses the client/server configuration of the main system, wherein the modules of the auxiliary system are distributed such that the service module, the acquisition module, the knowledge module, and the inference module are arranged in parallel to the application server and to the database (*Figs. 1, 2, and 5; using the alternative interpretation as described in the rejection of claim 2*).

As in claim 4, Bajpai discloses the service module makes basis service functions of the main system available for the auxiliary system (*page 9 line 19 through page 11 line 24, where the various interactions and functions occurring are interpreted as basis service functions – see paragraph [036] and [077] of Applicant's Specification*).

As in claim 5, Bajpai discloses the service module cooperates with the main system to obtain problem related data for the auxiliary system (*page 9 lines 28-29 and page 10 lines 14-15, where cooperation is inherent in order to allow for communication between the service module and the main system*).

As in claim 8, Bajpai discloses the knowledge module distinguishes contexts that are predefined sets of knowledge representations (*Fig. 3; page 7 lines 1-16, where the decision nodes are interpreted as contexts*).

As in claim 10, Bajpai discloses the knowledge module distinguishes context with primary context and secondary context, wherein the secondary context is referenced from the first context (*Fig. 3; page 7 lines 1-16, where the decision nodes are interpreted as contexts, a prior/parent node being a primary context and a child node being a secondary context*).

As in claim 11, Bajpai discloses the knowledge module is adapted to receive regular updates of the knowledge representations from a service system (*page 9 lines 26-27*).

As in claim 12, Bajpai discloses the knowledge module generates solution identification rules with computer instructions to automatically solve the problem (*page 7 lines 1-4 and 11-16, and page 10 lines 17-21*).

As in claim 13, Bajpai discloses the knowledge module stores the knowledge representations in a plurality of tables in the database (*page 6 lines 21-24 and page 10 lines 1-2 and 24-27, where it is inherent that a database stores information in a table*).

As in claim 14, Bajpai discloses the auxiliary system conditionally forwards problem data to a service system (*Fig. 1 #14; page 11 lines 25-26, where the condition is whether or not a solution has been reached and the call center is interpreted as a service center*).

As in claim 15, Bajpai discloses the auxiliary system forwards the problem data to the service system with preliminary analysis data based on processing with knowledge representations in the auxiliary system (*page 12 lines 7-12*).

As in claim 16, Bajpai discloses the auxiliary system forwards problem data for further analysis by a human technician (*page 12 lines 7-12, engineer 31*).

As in claim 17, Bajpai discloses the auxiliary system forwards problem data and preliminary solutions to the service system in a format that allows evaluation in the service system (*page 12 lines 7-27*).

As in claim 18, Bajpai discloses the main system is adapted to be operated by a first customer (*page 4 lines 20-21, user is interpreted as customer*), the service system is implemented by an expertise service provider (*Fig. 1 #14; page 4 lines 23-24 and page 12 lines 7-26*), and *[[the]]* at least one further main system is adapted to be operated by a second customer (*page 10 lines 28-29, where the multiple diagnostic elements 28 are interpreted as main systems*).

As in claim 19, Bajpai discloses the main system and the further main system are systems of the same type, but have different release versions (*page 4 lines 25-26, where Window[s]TM/Windows 95TM/other operating systems are interpreted as release versions*).

As in claim 20, Bajpai discloses a method to operate a computer system (*Fig. 1*) with a main system executing an application in cooperation with a human user (*Figs. 1 and 2; page 5 lines 3-5, where processor 10 is interpreted as a main system*) and an auxiliary system evaluating problems in the main system (*Figs. 1 and 5; page 9 line 22 and page 10 lines 17-21, remote processor 12*), the method comprising the following steps performed by the auxiliary system:

collecting problem related data from the main system (*page 9 lines 28-29, diagnostic element 50*);

acquiring knowledge representations[[]] (*Fig. 5 #56; page 5 lines 18-20 and page 10 lines 24-25, where expert system 56 is interpreted as acquiring knowledge representations from problem-solution database 60*);

storing knowledge representations (*Fig. 5 #60; page 10 lines 1-2 and 24-27*); and

processing problem related data with knowledge representations to identify solutions (*Fig. 5 #56; page 10 lines 24-27, expert system 56*), and forwarding the solutions to the main system (*page 11 lines 15-16*).

As in claim 21, Bajpai discloses collecting is performed by a service module (*page 9 lines 28-29, diagnostic element 50*), acquiring is performed by an acquisition module (*Fig. 5 #56; page 5 lines 18-20 and page 10 lines 24-25, where expert system 56 is interpreted as*

acquire knowledge representations from problem-solution database 60); storing is performed by a knowledge module (Fig. 5 #60; page 10 lines 1-2 and 24-27), and processing and forwarding are executed by an inference module (Fig. 5 #56; page 10 lines 24-27, expert system 56, and page 11 lines 15-16).

As in claim 22, Bajpai discloses collecting, acquiring, storing, processing and forwarding are performed for the main system in client/server configuration with a database, an application server, and a front-end server (*Figs. 1, 2, and 5; where Front End 32 is interpreted as a front-end server, Expert System 30 is interpreted as an application server, and the collection of Databases 34,36,38 is interpreted as a database; an alternative interpretation is that User Workstation 10 is interpreted as a front-end server, Remote Diagnostic Workstation 12 is interpreted as an application server, and the collection of Databases 34,36,38 and/or Problem-Solution Database DLL are/is interpreted as [a] database(s).*

As in claim 23, Bajpai discloses collecting, acquiring, storing, processing and forwarding are performed in modules of the auxiliary system that are arranged in parallel to the main system (*Figs. 1, 2, and 5; using the alternative interpretation as described in the rejection of claim 22).*

As in claim 26, Bajpai discloses the knowledge module classifies the knowledge representations into context groups (*Fig. 3; page 7 lines 1-16, where the decision nodes are interpreted as contexts).*

As in claim 28, Bajpai discloses the knowledge module distinguishes context with primary context and secondary context (*Fig. 3; page 7 lines 1-16, where the decision nodes are interpreted as contexts, a prior/parent node being a primary context and a child node being a secondary context*).

As in claim 29, Bajpai discloses the inference module identifies the solutions [from a set] of predefined advices of the application (*page 11 lines 15-16*).

As in claim 33, Bajpai discloses a method for solving problems on a main computer system (*Figs. 1 and 2; page 5 lines 3-5, where processor 10 is interpreted as a main system*), wherein the computer system cooperates with an expert computer system (*Figs. 1 and 5; page 9 line 22 and page 10 lines 17-21, remote processor 12*), the method comprising the following steps:

querying to establish the need for interaction among computer systems and users, by collecting data and processing the data with knowledge representations (*Figs. 1 and 5 #56; page 5 lines 18-20, page 6 lines 21-26, and page 10 lines 24-27*);

querying for an interaction type being either user/system interaction or system/system interaction (*Fig. 1; page 5 lines 18-20, page 6 lines 21-26, and page 10 lines 3-27*);

querying for an initiation type being either user initiation or system initiation (*page 10 line 28 through page 11 line 3, where calling to/from elements is interpreted as initiation of a transfer of data between systems*); and

according to the interaction and initiation types, evaluating the problems by collecting further data, [and] processing the further data with the knowledge representations to identify solutions (*page 11 lines 3-24*).

As in claim 34, Bajpai discloses a computer program product comprising program code means for performing all the steps of anyone of the claims 20-33 when the computer program product is run on a computer (*page 5 lines 1-6*).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4, 6, 7, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bajpai in view of Cha et al. (WO 01/18652 A1).

As in claim 4, Bajpai teaches of a service module, a main system, an auxiliary system, and service function interaction between the listed elements. However, Bajpai fails to teach explicitly of basis service functions. Cha et al. teaches of basis service functions (*page 11 lines 18-24, where it is inherent in an SAP R/3 system to utilize basis service functions*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the basis service functions as taught by Cha et al. in the invention of Bajpai et al. This would have been obvious because the invention as taught by Cha et al. offers a time and cost efficient expert system for diagnosing problems (*page 2 lines 5-12*). Further, it is well-known in the art to implement expert system diagnostics in an enterprise resource planning system [R/3] environment (*Applicant's Specification paragraph [024]*).

As in claim 6, Bajpai teaches of a service module. However, Bajpai fails to teach of remote function calls. Cha et al. teaches of remote function calls (*page 9 lines 15-24*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the remote function calls as taught by Cha et al. in the invention of Bajpai et al. This would have been obvious because the invention as taught by Cha et al. offers a time and cost efficient expert system for diagnosing problems (*page 2 lines 5-12*). Further, it is well-known in the art to implement expert system diagnostics in an enterprise resource planning system [R/3] environment (*Applicant's Specification paragraph [024]*).

As in claim 7, Bajpai teaches of a service module, an application server, and a database. However, Bajpai fails to teach of monitoring. Cha et al. teaches monitoring of an application server and database (*page 9 lines 3-4 and 12-20*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the monitoring as taught by Cha et al. in the invention of Bajpai et al. This would have been obvious because the invention as taught by Cha et al. offers a time and

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cost efficient expert system for diagnosing problems (*page 2 lines 5-12*). Further, it is well-known in the art to implement expert system diagnostics in an enterprise resource planning system [R/3] environment (*Applicant's Specification paragraph [024]*).

As in claim 24, Bajpai teaches the limitations of claim 20. However, Bajpai fails to teach explicitly of basis service functions. Cha et al. teaches of basis service functions (*page 11 lines 18-24, where it is inherent in an SAP R/3 system to utilize basis service functions*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the basis service functions as taught by Cha et al. in the invention of Bajpai et al. This would have been obvious because the invention as taught by Cha et al. offers a time and cost efficient expert system for diagnosing problems (*page 2 lines 5-12*). Further, it is well-known in the art to implement expert system diagnostics in an enterprise resource planning system [R/3] environment (*Applicant's Specification paragraph [024]*).

As in claim 25, Bajpai teaches the limitations of claim 20. However, Bajpai fails to teach of remote function calls. Cha et al. teaches of remote function calls (*page 9 lines 15-24*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included the remote function calls as taught by Cha et al. in the invention of Bajpai et al. This would have been obvious because the invention as taught by Cha et al. offers a time and cost efficient expert system for diagnosing problems (*page 2 lines 5-12*). Further, it is well-known in the art to implement expert system diagnostics in an enterprise resource planning system [R/3] environment (*Applicant's Specification paragraph [024]*).

* * *

11. Claims 9 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bajpai in view of Aslanian et al. (U.S. Patent No. 5,111,384).

As in claim 9, Bajpai teaches of a knowledge module and a main system. However, Bajpai fails to teach of a lexicon to distinguish versions of the main system. Aslanian et al. teaches of using a lexicon to distinguish main system versions (*page 2 lines 29-43, page 3 lines 38-43, and page 8 lines 23-38, where the knowledge base and object data structures are interpreted as a lexicon*).

It would have been obvious for a person skilled in the art at the time the invention was made to have included the version distinguishing as taught by Aslanian et al. in the invention of Bajpai. This would have been obvious because the invention of Aslanian et al. offers a time and resource efficient means of utilizing an expert system and a knowledge representation base in order to solve a problem (*page 1 lines 66-68*).

As in claim 27, Bajpai teaches of a knowledge module and a main system. However, Bajpai fails to teach of organizing versions of the main system by a lexicon. Aslanian et al. teaches of organizing versions of the main system by a lexicon (*page 2 lines 29-43, page 3 lines 38-43, and page 8 lines 23-38, where the knowledge base and object data structures are interpreted as organized within a lexicon*).

It would have been obvious for a person skilled in the art at the time the invention was made to have included the version distinguishing as taught by Aslanian et al. in the invention of Bajpai. This would have been obvious because the invention of Aslanian et al. offers a time and resource efficient means of utilizing an expert system and a knowledge representation base in order to solve a problem (*page 1 lines 66-68*).

* * *

12. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bajpai in view of Andrew (U.S. Patent No. 6,681,344).

As in claim 30, Bajpai teaches while executing any of the steps of collecting, acquiring, storing, processing and forwarding, the auxiliary system conditionally forwards problem data and solutions (*page 11 lines 19-29, where the condition is interpreted as whether or not a solution is found*). However, Bajpai fails to teach forwarding problem data and solutions in combination to the same service system. Andrew teaches of forwarding problem data and solutions in combination to a single service system (*column 3 lines 16-57*).

It would have been obvious for a person skilled in the art at the time the invention was made to have included the forwarding as taught by Andrew in the invention of Bajpai. This would have been obvious because the invention of Andrew offers a time and resource efficient means of diagnosing and solving a computer problem (*column 2 lines 20-24*).

As in claim 31, Andrew teaches the auxiliary system forwards problem data and solutions for further analysis by a human technician (*column 3 lines 16-57*).

As in claim 32, Andrew teaches the auxiliary system forwards problem data and solutions to the further computer [service system] in a format that allows analysis by an expert system in the further computer (*column 3 lines 16-57*).

* * *

13. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cha et al. in view of Bajpai.

As in claim 35, Cha et al. teaches of an inference module with expertise functionality for evaluating problems in a main computer system that executes an application (*Figs. 2 and 3; page 9 lines 7-23, where the entirety of the network illustrated is interpreted as a main computer system; page 10 lines 5-6, where the expert system 300 is interpreted as an inference module*), wherein the inference module is adapted to process problem related data (*page 9 lines 11-14*), the inference module characterized in that the inference module is part of an auxiliary computer system using basis functions of the main computer system (*Fig. 2 #241 and Fig. 3 #300; page 9 lines 1-14 and page 11 line 18 through page 12 line 12, where it is inherent that an SAP R/3 system utilize basis functions*), and that the main computer system and the auxiliary computer system are client/server systems (*Figs. 2 and 3; page 9 lines 4 and 18-19, where the expert*

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systems 241/300 are interpreted as clients and the servers 250/385/287 are interpreted as servers). However, Cha et al. fails to teach of with knowledge representations to identify solutions. Bajpai teaches of knowledge representations to identify solutions (*page 6 lines 10-29*).

It would have been obvious to a person skilled in the art at the time the invention was made to have included knowledge representations and solution identity as taught by Bajpai in the invention of Cha et al. This would have been obvious because the invention of Bajpai offers an expandable and cost-effective means of resolving problems in a computer system (*page 1 lines 3-5 and page 2 lines 4-12*) in a similar environment as taught by Cha et al.

As in claim 36, Cha et al. teaches at least the main system executes an enterprise resource planning system (*Fig. 4; page 4 lines 17-18, page 7 lines 3-10, and page 11 lines 18-24, where the R/3 system is interpreted as an enterprise resource planning system*).

As in claim 37, Cha et al. teaches at least one system is implemented as an R/3 system (*Fig. 4; page 4 lines 17-18, page 7 lines 3-10, and page 11 lines 18-24*).

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Contino whose telephone number is (571) 272-3657. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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PFC
5/25/2006


SCOTT BADERMAN
SUPERVISORY PATENT EXAMINER